

Response
Serial No. 10/015,836

Docket No. AT000068

REMARKS

The Office Action dated July 13, 2007 has been reviewed and carefully considered. Claims 1-13 are pending, with claims 1 and 12 being the only independent claims. Reconsideration of the above-identified application, in view of the following remarks, is respectfully requested.

Claims 1-13 stand rejected under 35 USC 103(a) as being unpatentable over U.S. Pat. No. 5,956,453 (Hennig) in view of U.S. Pat. No. 5,963,264 (Jackson).

Applicant respectfully disagrees with, and explicitly traverses, the examiner's reason for rejecting the claims. A claimed invention is *prima facie* obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations.

With regard to claim 1, this claim recites:

A recording arrangement (1) for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI), having receiving means (4) for receiving the information signal (FS) in which information broadcasts and associated broadcast identifications (VPS-SI) can be transmitted, and having recording means (6) for recording the received information signal (FS) on a record carrier (8) in a recording mode of the recording arrangement (1), and having

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recording control means (11) for evaluating both the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected in the information signal (FS) and a recording start time (ABZ) of the programmed information broadcast being reached, which recording start time is reached a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast; and for activating the recording mode at the first occurrence of either the broadcast identification or the recording start time.

Thus, as amended, claim 1 (and corresponding claim 12) recites that recording commences when the first of the following evaluated events occurs:

- the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected
- a recording start time (ABZ) of the programmed information broadcast being reached

In addition, claim 1 recites that the recording start time (ABZ) is reached at a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast. Thus as illustrated in Fig. 2, the present invention will start recording the "SPORT" program at 15:15 (reference ABZ column) even though its program scheduled time (SBZ-PI column) is 15:30. Moreover, this recording will occur even if the stored VPS code is in error, and the VPS-SI code is not detected in the information signal (FS) – e.g. in the event that the transmitted VPS-SI is incorrect. As described in paragraph [0011] of the published application:

This has the advantage that a recording mode is obtained which is both time controlled and controlled by the broadcast identification and which makes it possible to achieve a very high reliability of successfully recording the programmed television broadcast. Thus, the beginning of the programmed television broadcast is also recorded if the broadcast identification stored in the recording control means or received in the information signal is incorrect or if the television broadcast has

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already been transmitted partly or wholly before the recording start time owing to a change of the television broadcasting schedule. The provision of a lead time interval results in an even higher probability that the desired television broadcast is recorded successfully.

Hennig teaches a videocassette recorder which includes VPS and VPT automatic programming which “continuously compares preprogrammed VPS data to incoming VPS time codes for the currently running program, and to VPS program schedule information” (Abstract).

Paragraph 3 of the Office Action points to “figure 6 and col. 3, lines 9-22” as well as Figure 4a as teaching the above described features of claim 1. Applicant respectfully disagrees as col. 3, lines 9-22 and Figure 4a merely describe the prior art as noted in paragraphs [0003] – [0005] of the published present invention. Fig. 6 of Hennig relates to recording of a program (“Die Pyramide”) in which an inconsistency exists between the VPS code stored in the scheduler and the transmitted ID code (VPS-SI). As understood by Applicant, Fig. 6 teaches that when the broadcast of a program such as “Die Pyramide” occurs at its properly scheduled time (20:50), it will commence being recorded at that time (20:50) even if the transmitted VPS code disagrees with the stored code. Further, Hennig’s controller 150 will “conclude that the VPS code for the currently running program is incorrect, and will replace it with the VPS code according to the schedule” (col. 7, lines 24-26).

Hennig fails to teach or suggest the feature of the present invention whereby recording will commence at a recording start time (ABZ) which is a lead time before the broadcast start time. That this feature of the invention is lacking is apparent in applying reviewing Hennig’s algorithm of Fig. 6 to the situation in which a program is broadcast earlier than its scheduled time and with a VPS code error. In this situation Hennig, at a minimum, would not record the start of the program.

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By way of further example, paragraph [0041] of the present invention describes how the situation in which the "SPORT" program of Fig. 2 of the present invention is broadcast 5 minutes early with an incorrect VPS code. The present invention properly records the beginning of this program. Hennig would not. For as described above, if Die Pyramide was broadcast at 20:45 with an improper VPS code, Hennig would not take any action until 20:50, the time stored in his scheduler.

The Office Action combines the teachings of Hennig with those of Jackson "to further show that the limitation is well known in the art" (at page 4, end of last full paragraph). "The limitation" referenced is apparently that of commencing recording at a time scheduled via an EPG (electronic programming guide) selection even though the VPS code transmitted at the time of broadcast is improper. Jackson further describes a method and apparatus for controlling all models of VCRs via infrared signals by providing the infrared (IR) codes necessary to operate each particular brand and model VCR and for activating a VCR by saturating the local area with high powered, broadcasted IR signals.

Neither Hennig nor Jackson, either singly or in combination, teaches the use of a recording start time defined as a lead time interval before the broadcast start time of the programmed information broadcast. Further, the combination of Hennig and Jackson fails to disclose the limitation of activating the recording mode as a condition of such a determined recorded start, as recited in claim 1. Claim 12 contains similar features.

Having shown that the combined device resulting from the teachings of the cited references does not include all the elements of the present invention, applicant submits that the reasons for the examiner's rejections of the claims have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

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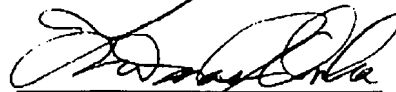
In view of the foregoing discussion, the Office Action has failed to make out a *prima facie* case of obviousness, instant independent claims 1 and 12 are allowable, and the rejection should be withdrawn.

Claims 2-11 and 13 are dependent from one of the independent claims discussed above, and are believed allowable for at least the same reasons and any rejections thereof should be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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